

SFC Reprimands Tung Wai David

6 Jan 2000

The Securities and Futures Commission (SFC) announced today that it had reprimanded Mr Tung Wai David (Tung), a securities dealer registered under the Securities Ordinance (SO) and trading as Chung Lee & Company (Chung Lee).

The reprimand stems from an inquiry which was commenced as a result of Chung Lee's failure to settle with the Central Clearing & Settlement System (CCASS) on 1 September 1998 for trades executed on 27 and 28 August 1998. The inquiry revealed the following inadequacies in Chung Lee's internal controls that contributed to the settlement failure:

- failure to keep a log-book to record the physical delivery of scrip thus making it difficult to monitor client positions;
- failure to ensure that sufficient shares were transferred to the CCASS clearing account for settlement; and
- allowing clients to use subsequently purchased shares to settle previous sales.

It was also revealed that Chung Lee failed to issue contract notes to clients for whom it had placed orders with a broker in London to buy Hong Kong stocks, thereby breaching section 75 of the SO. As the sole proprietor for Chung Lee, Tung was responsible for these failings.

Further, the inquiry revealed that Tung had himself failed to properly monitor the position of a client to ensure that the client did not short sell.

Therefore the SFC concluded that Tung's fitness and properness as a registered dealer under the SO has been impugned and decided to publicly reprimand Tung. In doing so the SFC has taken into consideration the steps which Tung had taken to improve the internal control systems of Chung Lee.

Page last updated : 1 Aug 2012

證監會譴責董偉

2000年1月6日

證券及期貨事務監察委員會（證監會）今天公布，本會已譴責根據《證券條例》註冊並以眾利股票公司（眾利）名義營業的證券交易商董偉（董氏）。

眾利在1998年9月1日未能與中央結算及交收系統（中央結算系統）交收其在1998年8月27日及28日執行的交易。證監會因此對其展開查訊，結果導致證監會作出上述的譴責。該項查訊發現眾利的內部監控制度有下列的不足之處，結果導致該公司未能完成上述交易的交收：

- 未有設置紀錄冊，以記錄實物股票的交收，因此令其難以監察客戶的持倉；
- 未有確保有足夠的股份轉移往中央結算的結算戶口以作交收之用；及
- 准許客戶利用其後購入的股份來交收先前的交易。

該項查訊亦發現眾利未有就其代若干客戶向倫敦一家經紀行落盤購買港股的交易向該等客戶發出交易單據，因此違反《證券條例》第75條的規定。作為眾利的獨資經營者，董氏須為該等缺失承擔責任。

此外，該項查訊亦發現董氏未有妥善監察一名客戶的持倉狀況，以確保該客戶不會賣空證券。

因此，證監會認為董氏作為根據《證券條例》註冊的交易商的適當人選資格已受質疑，並決定公開譴責董氏。在採取這項行動時，證監會已考慮到董氏已採取步驟改善眾利的內部監控制度。

最後更新日期：2012年8月1日